

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(235)

CRM-M-32020-2021

Date of decision: - 17.11.2021

Gaganpal Singh alias Happy

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manpreet Singh, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Jaspreet Singh Brar, Advocate, for respondent No.2.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.19 dated 16.02.2021 (Annexure P-1), under Sections 279, 337 and 338 IPC, registered at Police Station City Moga, District Moga as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 30.07.2021 (Annexure P-2), which has been entered into between the parties.

While issuing notice of motion on 10.08.2021, this Court had passed the following order : -

“Present petition has been filed for quashing of FIR No.19 dated 16.02.2021 (Annexure P-1) registered under Sections 279, 337 and 338 IPC at Police Station City Moga, District Moga, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live

peacefully, parties have entered into compromise on 30.07.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Balbir Singh Sewak, Additional Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Jaspreet Singh Brar, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. He does not dispute the above-said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 11.10.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement dated 30.07.2021 (P-2) on 14.09.2021 by moving an appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information: -

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a proclaimed offender;
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;
4. Whether the accused persons are involved in any other FIR or not; and
5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report has come from the Judicial Magistrate 1st Class, Moga, along with the statements of the accused-petitioner as well as the

complainant, which have been recorded. The relevant part of said report is as under: -

“On the basis of the statements referred supra, following points wise report is submitted as desired:

1. Initially, the present FIR was registered against unknown person. On dated 02.03.2021, only one accused i.e. Gaganpal Singh @ Happy Mahla was nominated in the present case on secret information. There is no other accused except accused Gaganpal Singh @ Happy Mahla in the present FIR.

2. No accused has been declared as proclaimed offender in this case.

3. It can be culled from the statements of the parties that the compromise/settlement dated 30.07.2021 arrived at between the parties is genuine, voluntary and without any pressure, coercion or undue influence from any quarter and out of free will of the parties.

4. As per the statement of the accused Gaganpal Singh @ Happy Mahla as well as the statement of ASI Sahib Singh No.631/Moga posted at PS City-1 Moga, there is no other FIR against the accused Gaganpal Singh @ Happy Mahla except the present FIR.

5. As per the statement of Investigation officer ASI Sahib Singh No.631/Moga posted at PS City-1 Moga, there is only one victim/complainant i.e. ASI Harcharan Singh No.203 PPA Phillur, son of Harbhajan Singh R/o Kahangarh, PS Patran, District Patiala, Hal Quater No.119 A-S Atwal Colony Phillaur, except above noted victim/complainant i.e. ASI Harcharan Singh, there is no other victim/complainant in the present case.”

Learned counsel for the petitioner submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for respondent No.2 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Moga and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.19 dated 16.02.2021, under Sections 279, 337 and 338 IPC, registered at Police Station City Moga, District Moga and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, subject to the cost of Rs.10,000/- to be paid by the petitioner in Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO-151-152, Sector 9-C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch, as the litigation generated by the petitioner has wasted precious time of not only this Court but also of the Court below.

November 17, 2021

naresh.k

(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking?

Yes

Whether reportable?

No